

## REMARKS

Reconsideration of this application as amended is respectfully requested.

In the Office Action, claims 1-22 were pending and rejected. In this response, claims 11-18 and 20 have been canceled without prejudice. Claims 1, 6-8, 10, 19, and 21-22 have been amended to particularly point out and distinctly claim, in full, clear, concise, and exact terms, the subject matter which Applicant regards as his invention. No new matter has been added.

Claim 18 is rejected under 35 U.S.C. §101 because the claimed invention is directed to non-statutory subject matter. Claim 18 is rejected under 35 U.S.C. §112 Second Paragraph. In view of the foregoing amendments, it is respectfully submitted that the rejections are now moot.

Claims 1-5, 11-13, and 18-22 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,387,905 to Grube et al (hereinafter "Grube"). In view of the foregoing amendments, it is respectfully submitted that the present invention as claimed includes a limitation that is not disclosed by Grube.

Specifically, for example, independent claim 1 as amended recites as follows:

1. A method of operating a packet network having base stations for communication with mobile units, comprising:  
initiating a call involving a group of mobile units,  
receiving a wireless signal at two or more of the base stations, from one of the mobile units,  
determining at each of the base stations, a respective quality parameter for the wireless signal as received at the base station,  
adding the quality parameters to at least some packets of the respective signals to form prioritized signals,  
transmitting the prioritized signals containing the respective quality parameters to the network,  
receiving the prioritized signals at base stations in the network,

selecting at each of the base stations, a prioritized signal for transmission to mobile units in the group, according to the respective quality parameters, and  
transmitting the selected signal to the mobile units.

(Emphasis added)

Independent claim 1 requires receiving a signal of a call involving a group of mobile units at multiple base stations. Each base station independently determines a quality parameter of the signal and adds the quality parameter in certain packets of the signal, forming a prioritized signal. Thereafter, each base station transmits the prioritized signal to the network and received at each of the base stations. Each base station then compares the received prioritized signals and selects one of the prioritized signals according to the respective quality parameter to be broadcast to the mobile units in the network.

That is, as shown and described in Figs. 2-3 and paragraphs [0020] and [0021] of the published specification of the present application, a mobile unit (e.g., talker) in a group call transmits a wireless signal which is received, with variable quality, by at least two nearby base stations A and B. The received signals are prioritized in view of the quality and sent to the network for transmission to other mobiles in the group. Two prioritized signals are sent through the network, but only the signal having the highest quality is ultimately transmitted to the rest of the group. It is respectfully submitted that these limitations are absent from Grube.

Although Grube is related to group calls; however, Grube is not concerned with the quality of the signal received at multiple base stations. Rather, Grube is concerned with prioritization according to source or message type (see e.g., Grube, col. 3, 10-15; col. 4, 44-62) to achieve greater efficiency in large networks. As shown in Fig. 3 of Grube, a signal transmitted by unit 112 is received and prioritized at node 102, and passed on for transmission to other mobiles 130, 152. The signal is also sent to controller 196 and retransmitted locally

to mobile 110. Here in Grube, only one signal is received from the mobile 112 and only one packet stream 306 is sent to the other base stations.

In contrast, independent claim 1 as amended requires “receiving a wireless signal at two or more of the base stations, from one of the mobile units”, and then prioritizing at each of those base stations, which is not disclosed in Grube. The “priority parameters” are also now referred to as “quality parameters”, of which there is disclosed in Grube either.

Therefore, in view of the foregoing remarks, it is respectfully submitted that independent claim 1 is not anticipated by Grube.

Independent claim 19 as amended defines a method at a base station (e.g., A) which is receiving and prioritizing a wireless signal from the mobile unit, but which is also receiving prioritized signals through the network from a nearby base station (e.g., B). It may cease transmission of its own prioritized signal under these circumstances, depending on the relative priority. It is respectfully submitted that Grube also fails to disclose such limitations and claim 19 is not anticipated by Grube.

Independent claim 21 as amended defines a method at a base station (e.g., C) which is simply receiving prioritized signals through the network from different base stations (e.g., A and B). The signals are now specified as originating from a common mobile unit in a group call. Only a selected signal is transmitted to mobiles in the group which are in the local coverage area. It is respectfully submitted that Grube also fails to disclose such limitations and claim 21 is not anticipated by Grube.

Given that the rest of the claims depend from one of the above independent claims, for reasons similar to those set forth above, it is respectfully submitted that the rest of the claims are not anticipated by Grube.

Claims 6-10 and 14-17 are rejected under 35 U.S.C. §103(a) as being unpatentable over Grube in view of U.S. Patent No. 6,836,666 to Gopalakrishnan et al. (hereinafter "Gopalakrishnan").

It is respectfully submitted that Gopalakrishnan also fails to disclose the limitations set forth above. The Office Action contends that Gopalakrishnan discloses quality parameters as claimed in the present application. Applicant respectfully disagrees.

Rather, Gopalakrishnan patent is related to power control at the air interface, and transmission scheduling for CDMA. Gopalakrishnan is not related to group calls, or calls in which multiple wireless signals from a single mobile must be prioritized. It is respectfully submitted that one with ordinary skill in the art, based on the teaching of Gopalakrishnan and Grube, would not combine these two references, because such a combination lacks reasonable expectation of success. Any suggestion to combine Gopalakrishnan and Grube can only be based on the impermissible hindsight of the present application.

Even if Gopalakrishnan and Grube were combined, such a combination still lacks the limitations set forth above. Therefore, it is respectfully submitted that the present invention as claimed is patentable over Gopalakrishnan and Grube. Withdrawal of the rejections is respectfully requested.

In view of the foregoing, Applicant respectfully submits the present application is now in condition for allowance. If the Examiner believes a telephone conference would expedite or assist in the allowance of the present application, the Examiner is invited to call/email the undersigned attorney.

Please charge Deposit Account No. 02-2666 for any shortage of fees in connection with this response.

Respectfully submitted,

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